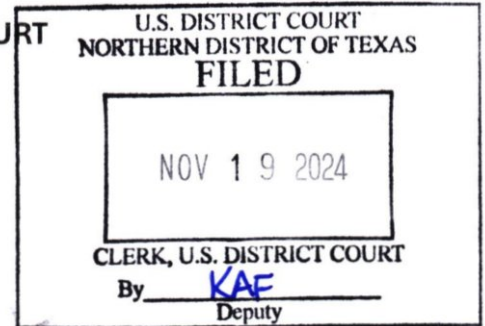


IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS



KIMBERLY STARLING, individually and
on behalf of all others similarly situated

Plaintiff,

v.

MARA DAY SPA LLC, LEDIMARA
PINNEY, and GREGORY SMITH,

Defendants

Case No.: 4:24-cv-00917-P

DEFENDANTS MARA DAY SPA LLC'S, GREGORY SMITH'S, AND LEDIMARA PINNEY'S
ORIGINAL ANSWER AND GENERAL DENIAL

Defendants Mara Day Spa LLC, Gregory Smith and Ledimara Pinney, *pro se*, submit this Original Answer and General Denial to the Plaintiff's First Amended Class Action Complaint, and respectfully shows the Court as follows:

I. GENERAL DENIAL

Pursuant to Rule 8(b) of the Federal Rules of Civil Procedure, Defendants deny each and every allegation in Plaintiff's First Amended Complaint, demands strict proof thereof, and denies that Plaintiff is entitled to any relief against Defendants.

II. AFFIRMATIVE DEFENSES

1. **Consent:** Plaintiff or the alleged class members may have provided express consent, as defined under the Telephone Consumer Protection Act (TCPA), for any communications received.
2. **Good Faith Compliance:** Defendants acted in good faith with respect to TCPA compliance, taking reasonable steps to ensure compliance with applicable laws and regulations.
3. **No Willful or Knowing Violation:** Defendants specifically deny any allegations of willful or knowing violations under the TCPA, as such claims would fail to meet the statutory standard for increased damages.
4. **Not Employed at Mara's Med Spa:** Defendant Gregory Smith is not an employee of Mara's Med Spa, does not operate the business, does not have access to its software systems, is not responsible for its legal affairs or TCPA compliance, and has no insight into the daily operations, much less its marketing campaigns and patient records.
5. **Lack of Damages:** Defendants deny that Plaintiff has suffered any harm whatsoever by having to read and open 3 text messages. Phone carriers no longer charge per message fees for receiving text messages.

6. **Plaintiff Made No Attempt to Unsubscribe:** All text messages have an option to unsubscribe. Plaintiff failed to avail herself of this opportunity with each and every message, granting implied consent to continue receiving messages so she could use the legal system to harass Defendants.
7. **Abuse of Court System:** Upon information and belief, Plaintiff is a lonely and vindictive soul with a long history of filing vexatious lawsuits with the intent of extracting settlements or monetary awards from corporations. Defendants contends that this pattern of litigation reflects an abuse of the legal process, aimed at leveraging statutory damages rather than seeking genuine redress. The Court's time is better spent dealing with legitimate complaints.

III. RESERVATION OF RIGHTS

Defendants reserve the right to amend or supplement this Answer to assert additional defenses that may arise or be discovered throughout the course of this proceeding.

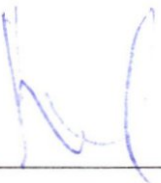
IV. PRAYER FOR RELIEF

WHEREFORE, Defendants respectfully requests that the Court:

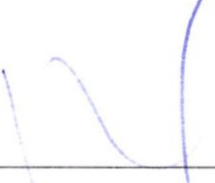
1. Dismiss Plaintiff's First Amended Complaint with prejudice;
2. Deny Plaintiff's request for class certification;
3. Deny any and all relief sought by Plaintiff in this action;
4. Impose sanctions against Plaintiff and Plaintiff's attorney for filing a frivolous lawsuit intended to harass and burden Defendants without merit.

5. Award Defendants his costs, expenses, and reimbursement for time incurred in this action;
6. Grant such other and further relief as the Court deems just and proper.
7. In the event that the Court does not dismiss this case, Defendant respectfully requests that the Court grant permission for Mara Day Spa LLC, a limited liability company, to represent itself *pro se* in this matter. Due to the specific circumstances of the case and the financial burden of retaining outside counsel, Defendant seeks the Court's allowance for self-representation to ensure equitable access to justice.

Respectfully submitted and dated this November 13, 2025,



Ledimara Pinney, President
Mara Day Spa LLC, *pro se*
2222 McKinney Ave Ste 120
Dallas TX 75201



Ledimara Pinney, *pro se*
6311 Turner Way
Dallas TX 75230
972-658-7519
mara@marasmedspa.com



Gregory Smith, *pro se*
6311 Turner Way
Dallas TX 75230
214-587-3682
gotechnow.greg@gmail.com

CERTIFICATE OF SERVICE


Defendants hereby certify that on this November 13, 2025, a true and correct copy of the foregoing Defendants Mara Day Spa LLC's, Gregory Smith's, and Ledimara Pinney's Original Answer and General Denial was served upon all counsel of record via certified mail return receipt.


Receipt #: 9589 0710 5270 1003 5842 97

Andrew Perrong

2657 Mt. Carmel Ave

Glenside PA 19038



Ledimara Pinney, President
Mara Day Spa LLC, *pro se*
2222 McKinney Ave Ste 120
Dallas TX 75201

Ledimara Pinney, *pro se*
6311 Turner Way
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972-658-7519
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Gregory Smith, *pro se*
6311 Turner Way
Dallas TX 75230
214-587-3682
gotechnow.greg@gmail.com

November 13, 2024

Enclosed is an original and copy of Defendant's Original Answer to case # 4:24-cv-00917-P filed *pro se* by mail as Defendants cannot afford an attorney and do not have access to electronic filing.

Thank you

MDS
6311 Turner Way
Dallas TX 75230



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Retail



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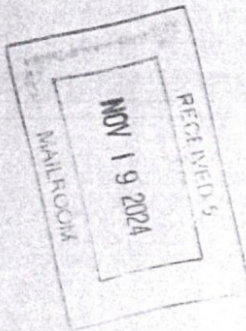
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United States District Court
1100 Commerce St Room 1452
X-RAY Dallas TX 75242

